

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD L HADLEY,

Petitioner,

v.

PAT GLEBE,

Respondent.

CASE NO. C12-6036 BHS

REPORT AND RECOMMENDATION

NOTED FOR:
MAY 10, 2013

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

Petitioner filed his petition and at the same time asked the Court to stay the proceedings and hold the matter in abeyance (ECF 8 and 9). The Court declined to stay the petition or hold the petition in abeyance (ECF No. 10). The Court ordered petitioner to show cause why the

petition should not be dismissed as a mixed petition. Petitioner admitted in the petition that he had a personal restraint petition pending (ECF No. 8, page 4).

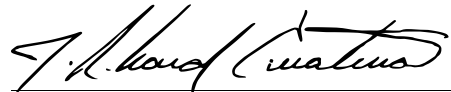
Petitioner then filed a motion asking the Court to proceed with the petition. Petitioner claimed that all grounds for relief in the petition were exhausted (ECF No. 11). The Court reviewed the petition and found that petitioner had not provided a request for relief. Petitioner had only asked that the Court stay the matter and hold it in abeyance (ECF No. 8).

The Court ordered petitioner to file an amended petition and gave petitioner until April 5, 2013 (ECF No. 12). As of April 12, 2013, the Court has not received an amended petition.

A petition must contain a request for relief. *See*, Federal Rules Governing Section 2254 Cases in the United States District Courts, Rule 2(c)(3). Petitioner has been given the opportunity to amend the petition and he has not complied with a Court order. The Court recommends that the petition be denied.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of de novo review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on May 10, 2013, as noted in the caption.

Dated this 12th day of April, 2013.



J. Richard Creatura
United States Magistrate Judge